IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 13765 of 2004

Between:

Kosuru Lankamma, D/o.Ramachandra Rao,
Kosurivaripalem, Mopidevi Mandal, Krishna Dist.

..... PETITIONER

AND

1 The Dist.Collector, Krishna at Machilipatnam.
2 The Revenue Divisional officer, Machilipatnam.
3 The Mandal Revenue officer, Mopidevi M, Machilipatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly a writ of Mandamus, declaring the proceedings bearing RCA No.235/2002 dated 20-07-2002 issued by the respondent No.3 as illegal and ultra vires to the provisions of Article 14 of the Constitution of India and also the provisions of the R.O.R. Act besides being violaitive of the principles of Natural Justice.

Counsel for the Petitioner : MR.V.S.R.ANJANEYALU

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The case of the petitioner is that though she was given pattadar passbook bearing No.455998 in respect of land admeasuring Ac.0.25 cents in R.S. No.207/13, the third respondent by proceedings dated 20.7.2002 cancelled the pattadar passbook and ordered to issue pattadar passbook to Smt. Kosuru Ramudu, W/o. Ankineedu. The petitioner also alleges that since the title deed was not issued to her, she moved an application before the Lok Adalat on 10.09.2003 and during the proceedings before the said Lok Adalat, she came to know about the impugned order passed by the third respondent. Therefore she filed the Writ Petition challenging the impugned order.

After getting instructions in the matter, the learned Assistant Government Pleader brought to my notice that the petitioner was issued notice before passing the order and the order does not suffer from any infirmity. A reading of the order would not show that any notice was issued to the petitioner. Further, though the land which was originally recorded in the name of the petitioner in the pattadar passbooks was again issued to Smt. Kosuru Ramudu, W/o. Ankineedu, who is not made a party herein. Therefore this Court is not inclined to give a relief in this writ petition.

Further more under Section 5 (5) of the A.P. Rights in Land and Pattadar Passbooks Act, 1971, the petitioner has an effective remedy before the Revenue Divisional Officer. The petitioner may file an appeal before the Revenue Divisional Officer, Machilipatnam within a period of four weeks from the date of this order. As and when such appeal is preferred, the second respondent herein shall issue notice to the petitioner, Smt. Kosuru Ramudu, W/o. Ankineedu and all the persons interested in the land and decide the matter in accordance with law.

The writ petition with the above observations is dismissed.

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Date : August 9, 2004. **V.V.S. RAO, J**

Note:

Issue C.C. in Three days.

(B/o)

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Dist.Collector, Krishna at Machilipatnam.
2 The Revenue Divisional officer, Machilipatnam.
3 The Mandal Revenue officer, Mopidevi Mandal, Machilipatnam.

4 Two CCs to the Government Pleader,

High Court of Andhra Pradesh, Hyderabad (O.U.T)

5 Two CD copies.